

State Water Resources Control Board
Division of Drinking Water

December 17, 2018

System No. 1009051

Mr. Pablo Santos
Cantua Creek Vineyards
6343 Bystrum Road
Ceres, CA 95307

Dear Mr. Santos:

RE: COMPLIANCE ORDER AMENDMENT NO. 03_23_18RA_004_A1

On December 17, 2018, the State Water Resources Control Board-Division of Drinking Water (Division) issued Compliance Order Amendment No. 03_23_18RA_004_A1 (enclosed) to the Cantua Creek Vineyards water system. This compliance order amendment specifically revises the Water System's deadline for compliance with the arsenic MCL. The revised deadline is **February 1, 2020**.

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the State Water Board has spent approximately 1 hour on enforcement activities associated with this violation.

The Water System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Water System for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

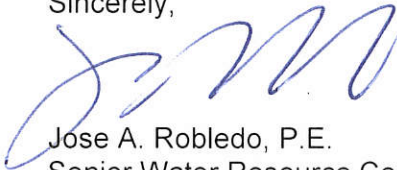
Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Rakel Hairabedian of my staff or me at 559 447 3394.

Sincerely,



Jose A. Robledo, P.E.
Senior Water Resource Control Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Certified Mail No. 7018 0040 0000 3159 7476

JAR/RH

Enclosure

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3 **STATE OF CALIFORNIA**
4 **STATE WATER RESOURCES CONTROL BOARD**
5 **DIVISION OF DRINKING WATER**
6
7

8 **IN RE:** Cantua Creek Vineyards
9 WATER SYSTEM NO. 1009051
10

11 **TO:** Mr. Pablo Santos
12 Cantua Creek Vineyards
13 6343 Bystrum Road
14 Ceres, CA 95307
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17 **COMPLIANCE ORDER AMENDMENT**
18 **No. 03_23_18RA_010_A1**
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20 **FIRST AMENDMENT TO COMPLIANCE ORDER**
21 **No. 03-23-14R-010 Issued on October 7, 2014**
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23

24 **Issued on December 17, 2018**
25

26 The State Water Resources Control Board (hereinafter "Board"), acting by and
27 through its Division of Drinking Water (hereinafter "Division") and the Deputy
28 Director for the Division (hereinafter "Deputy Director"), hereby issues to the Cantua
29 Creek Vineyards this compliance Order Amendment (hereinafter "Amendment") to
30 Compliance Order No. 03-23-14R-010.
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32 Compliance Order No. 03-23-14R-010 (hereinafter "Compliance Order"), provided
33 as Attachment A, was issued to Cantua Creek Vineyards on October 7, 2014, for
34 violation of the Arsenic Maximum Contaminant Level (MCL). The Division hereby
35 amends the Compliance Order as follows:
36

38 A) Delete Directive No. 9 and replace with the following:

39 "By February 1, 2020, achieve compliance with the arsenic maximum
40 contaminant level, with the completion of a project and demonstration that
41 the running annual average (RAA) is reliably less than the MCL. The Water
42 System shall provide written notification of the date that compliance is
43 achieved, no later than ten days following the receipt of the laboratory
44 sampling results.

45 Except as amended herein, all other terms of Compliance Order No. 03-23-14R-
46 010 shall remain in full force and effect.

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48 All submittals, with exception of analytical results, required by the Compliance
49 Order or this amendment shall be electronically submitted to the State Water
50 Board District 23 email address. All submittals should be addressed to:

51

52 Jose A. Robledo, P.E., Senior Water Resource Control Engineer
53 State Water Resources Control Board
54 Division of Drinking Water, Fresno District
55 265 W. Bullard Avenue, Suite 101
56 Fresno, CA 93704
57 Dwpdist23@waterboards.ca.gov
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12-17-2018
Date


Carl L. Carlucci, P.E.
Supervising Sanitary Engineer
Central California Section
SOUTHERN CALIFORNIA
DRINKING WATER FIELD OPERATIONS



CLC/JAR/SP

Attachments:

Attachment A: Compliance Order No. 03-12-08O-023

Certified Mail No. 7018 0040 0000 3159 8831

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TO: MR. PABLO SANTOS
CANTUA CREEK VINEYARDS
6343 BYSTRUM ROAD
CERES, CA 95307

FOR NONCOMPLIANCE WITH THE
ARSENIC MAXIMUM CONTAMINANT LEVEL
SECTION 64431, TITLE 22, CALIFORNIA CODE OF REGULATIONS

Section 116655 of the California Health and Safety Code authorizes the issuance of a compliance order to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter “California SDWA”), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter “State Board”), acting by and through its Division of Drinking Water (hereinafter “Division”) and the Deputy Director for the Division (hereinafter “Deputy Director”), hereby issues a compliance order to Cantua

Creek Vineyards, IV, LLC. (hereinafter, Cantua Creek Vineyards) for violation of California Code of Regulations (hereinafter "CCR"), Section 64431, Maximum Contaminant Levels – Inorganic Chemicals.

APPLICABLE AUTHORITIES

Section 116655, California SDWA, states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Section 64431, Title 22, CCR, states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

**Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals**

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Hexavalent chromium	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as NO3)	45.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

Additional *Applicable Authorities* are located in Attachment A, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Cantua Creek Vineyards, IV, LLC. water system (hereinafter "Water System") is a privately owned community water system located in Fresno County that supplies water for domestic purposes to approximately 50 persons, as reported to the Division, and served through 23 single family residential service connections. The Water System operates under Domestic Water Supply Permit No. 03-23-13P-003, issued on January 31, 2013.

The Water System utilizes nondisinfected groundwater from one groundwater well, Well 01, as its source of domestic water. Four 119 gallon bladder pressure tanks are located at the Well 01 site. The Water System has no storage capacity.

CCR, Title 22, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Community and nontransient noncommunity water systems must comply with the maximum contaminant level for arsenic of 0.010 mg/L, as established in CCR, Section 64431

CCR, Section 64432(g)(1), establishes an increased quarterly monitoring frequency when the level of an inorganic chemical exceeds an MCL.

CCR, Section 64432(i), specifies ongoing compliance determinations for quarterly inorganic chemical monitoring; specifically, compliance with an inorganic chemical MCL is based on a running annual average (RAA) of the quarterly monitoring samples, computed each quarter. Further, the section states that if any one sample would cause the RAA to exceed the MCL, the system is immediately in violation.

A summary of the Water System's arsenic monitoring for Well 01 is presented in Table 1 below. The Water System was required to begin quarterly arsenic monitoring of Well 01 after a sample collected on May 21, 2014, resulted in an arsenic concentration of 0.025 mg/L.

Table 1: Well 01 Arsenic Monitoring Results

Sample Quarter	Sample Result
2Q 2011	0.009 mg/L
None Required	--
2Q 2014	0.025 mg/L
3Q 2014	0.023 mg/L
3Q 2014 Running Annual Average	0.012 mg/L

1 The third quarter 2014 RAA, calculated as the second and third quarter 2014 sample results
2 averaged over a four quarter period, is 0.012 mg/L, which exceeds the arsenic MCL of
3 0.010 mg/L
4

5 **DETERMINATIONS**

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7 Based on the above Statement of Facts, the Division has determined that the Water System
8 has violated the arsenic MCL during the third quarter of 2014, as shown in Table 1 above.
9

10 **DIRECTIVES**

11

12 To ensure that the water supplied by the Cantua Creek Vineyards water system is at all
13 times safe, wholesome, healthful, and potable, and pursuant to the California SDWA, Con
14 Agra is hereby directed to take the following actions:
15

- 16 1. Comply with CCR, Title 22, Section 64431 in future monitoring periods after
17 conducting upgrades of the physical facility or implementing treatment operations.
18
- 19 2. Provide quarterly public notification of its inability to meet the arsenic MCL
20 during any calendar quarter that the four-quarter running annual average exceeds the
21 MCL. Notification procedures and format are provided in Attachment B. An
22 electronic version of Attachment B is available upon request.
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3. Provide proof of public notification to the Division following each quarterly notification by the 10th day of the month following notification, using the form provided as Attachment C.
4. Continue to collect quarterly samples for arsenic from Well 01, as required by CCR, Title 22, Section 64432(g). The analytical results shall be reported to the Division electronically by the analyzing laboratory no later than the 10th day following the month in which the analysis was completed.
5. Prepare a Corrective Action Plan identifying improvements to the water system designed to correct the water quality problem (violation of the arsenic MCL) and eliminate the need to deliver water to consumers that does not meet primary drinking water standards. The plan shall include a time schedule for completion of various phases of the project such as design, construction, and startup.
6. Present the Corrective Action Plan required under Directive No. 5, above, to the Division in an office meeting no later than **January 31, 2015**.
7. Submit quarterly progress reports to the Division. The first quarterly progress report shall describe progress made in the first quarter of 2015 and shall be submitted to the Division by **April 30, 2014**, using the form provided as Attachment D.
8. Submit a written response by **October 31, 2014**, indicating its willingness to comply with the directives of this Compliance Order.

1 9. By no later than **July 1, 2017**, achieve compliance with the arsenic maximum
2 contaminant level, with the completion of a project and demonstration that the
3 running annual average is reliably less than the MCL. The Water System shall
4 provide written notification of the date that compliance is achieved, no later than ten
5 days following receipt of the laboratory sampling results.
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8 All submittals required by this Order shall be addressed to:

9 Betsy S. Lichti, P.E.,
10 Senior Sanitary Engineer
11 State Water Resources Control Board
12 Division of Drinking Water
13 Fresno District
14 265 W. Bullard Avenue, Suite 101
15 Fresno, CA 93704

16 The Division reserves the right to make such modifications to this Order as it may deem
17 necessary to protect public health and safety. Such modifications may be issued as
18 amendments to this Order and shall be effective upon issuance. Nothing in this Compliance
19 Order relieves Cantua Creek Vineyards of its obligation to meet the requirements of the
20 California SDWA, or any regulation, standard, permit or order issued thereunder.

21 If the Cantua Creek Vineyards water system is unable to perform the tasks specified in this
22 Order for any reason, whether within or beyond its control, and if the Cantua Creek
23 Vineyards water system notifies the Division in writing no less than five days in advance of
24 the due date, the Division may extend the time for performance if the Cantua Creek
25 Vineyards water system demonstrates that it has used its best efforts to comply with the
26 schedule and other requirements of this Order.
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1 **PARTIES BOUND**

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3 This Compliance Order shall apply to and be binding upon Cantua Creek Vineyards, its
4 owners, shareholders, officers, directors, agents, employees, contractors, successors, and
5 assignees.
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7 **SEVERABILITY**

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10 The directives of this Compliance Order are severable, and Cantua Creek Vineyards
11 shall comply with each and every provision thereof notwithstanding the
12 effectiveness of any provision.
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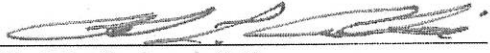
14 **FURTHER ENFORCEMENT ACTION**

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17 The California SDWA authorizes the Division to issue citations and compliance
18 orders with assessment of administrative penalties to a public water system for
19 violation or continued violation of the requirements of the California SDWA or any
20 permit, regulation, permit or order issued or adopted thereunder including, but not
21 limited to, failure to correct a violation identified in a citation or compliance order.

22 The California SDWA also authorizes the Division to take action to suspend or
23 revoke a permit that has been issued to a public water system if the system has
24 violated applicable law or regulations or has failed to comply with an order of the
25 Division; and to petition the superior court to take various enforcement measures
26 against a public water system that has failed to comply with an order of the
27

1 Division. The Division does not waive any further enforcement action by issuance
2 of this compliance order.
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8 10-7-2014
9 Date


10 Carl L. Carlucci, P.E.
11 Supervising Sanitary Engineer
12 Central California Section
13 SOUTHERN CALIFORNIA BRANCH
14 DRINKING WATER FIELD OPERATIONS
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16 CLC/PD

17 **Attachments:**

- 18 Attachment A: Applicable Authorities
19 Attachment B: Public Notification Form
20 Attachment C: Proof of Notification Form
21 Attachment D: Quarterly Progress Report Form
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